

APPEAL NO. 032545
FILED NOVEMBER 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 29, 2003. The hearing officer determined that: (1) the compensable injury of _____, does not extend to include a left knee lateral meniscus tear; and (2) because the compensable injury does not extend to include a left knee lateral meniscus tear, the appellant (claimant) does not have disability. The claimant appeals these determinations essentially on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of _____, does not extend to include a left knee lateral meniscus tear. The claimant had the burden of proof on this issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer considered the evidence and found that the claimant's lateral meniscus tear is not a result of the compensable injury of _____. Contrary to the claimant's assertion, nothing in our review indicates that the hearing officer held the claimant to an improper standard in reaching this determination. In view of the evidence presented, we cannot conclude that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer did not err in determining that the claimant did not have disability. The claimant's challenge to the disability determination is premised upon the success of his argument with regard to the extent of injury. Given our affirmance of the extent-of-injury determination, we likewise affirm the hearing officer's disability determination.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge